IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4229 OF 2005

Mr.Mukesh Oza ..Applicant

Vs.

Mrs.Urmila D.Raja & Ors. ..Respondents

...

Mr.Vipin F.Singh, Advocate for Applicant
Mr.V.B.Konde-Deshmukh, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 6,2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicants are seeking quashing of proceedings relating to Criminal Case No.1154/S/2000 which is pending before the Metroplitan Magistrate, 44th Court, Andheri, Mumbai. In the said case, the process has been issued against the applicants under Section 138 of

Negotiable Instruments Act. The learned advocate for the applicants submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. If the process issued against the applicants is set aside, the proceedings in respect of the applicants, would come to an end.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, in my view, it is clear that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necesasry revision will be preferred by 30th July, 2005. In

view of the statement, the trial Court shall not proceed with the trial till 30th July, 2005.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

7. Authenticated copy be issued to the parties

[V.K.TAHILRAMANI,J.]